



## State of New Hampshire

### PUBLIC EMPLOYEE LABOR RELATIONS BOARD

GILMANTON EDUCATION ASSOCIATION/NEA- :  
NEW HAMPSHIRE :

Complainant :

v. :

GILMANTON SCHOOL BOARD :

Respondent :

CASE NO. T-0310:9

DECISION NO. 91-102

#### APPEARANCES

##### Representing Gilmanton Education Association/NEA-NH:

Jan Paddleford, UniServ Director

##### Representing Gilmanton School Board:

Bradley F. Kidder, Esq., Counsel

##### Also appearing:

Colleen Bownes, G.E.A.

Ella Jo Regan, G.E.A.

Douglas McVitt, G.S.B.

Tim Quinney, Principal

#### BACKGROUND

On or about August 29, 1991, the Gilmanton Education Association, NEA-New Hampshire, filed improper practice charges against the Gilmanton School Board alleging violations of RSA 273-A:5 I (a), (b), (c), (d) and (h) as the result of alleged comments made to the then president of the Association, Colleen Bownes, relating to her teaching performance. Specifically the Association alleged that the annual evaluation of said Colleen Bownes was down graded or not as highly rated as might have been expected and that said downgraded rating was the result of union activities engaged in by said Bownes in her capacity as Association president. The Gilmanton School Board, by its attorneys, Kidder & Lawson, responded to the complaint by a filing of September 5, 1991. The matter was set forth for hearing by the Board at its offices in Concord, New Hampshire on October 24, 1991.

The complaint in this matter charges that on or about February 29, 1990, Timothy Quinney, principal of the Gilmanton Elementary School, presented a copy of an annual employee evaluation to Colleen Bownes, then president of the Gilmanton Education Association. Said evaluation was conducted as contemplated in Article 7.1 of the collective bargaining agreement between the parties. Some five (5) areas of the evaluation report stated that Bownes "needs improvement."

During an exit conference on the evaluation, Bownes is alleged to have asked for the reasons why Quinney rated her as he did and Quinney is alleged to have said, "This has been a difficult year. Being president has interfered with your teaching." The original complaint also alleges that Quinney subsequently acknowledged that he then realized that his statement about the Association activities of Bownes was inappropriate; however, he declined to modify her annual evaluation report.

The employer's answer to the complaint denies the commission of an unfair labor practice and seeks dismissal of the complaint.

#### FINDINGS OF FACT

1. Colleen Bownes has six years of experience as a kindergarten teacher. She also taught kindergarten four years in Gilford. She has been president of the GEA for three years and has served as a negotiator for five years.
2. Bownes testified that Quinney told her, "I feel that your being president has played itself out and affected your teaching."
3. Bownes testified that she has never received adverse comments from other teachers or administrators about her teaching performance, whether linked to Association activities or not.
4. Quinney, a principal for one year, has experience completing teacher evaluations in Gilford, Franklin, and Gilmanton. He made entries reflecting that Bownes needed improvement in the categories of 1)enthusiasm, 2) dedication to assignment, 3) appearance of room, 4) preparation of lesson, and 5) motivational and meaningful lessons because he felt such improvements were needed.
5. The evaluation of Bownes for 1989-90 showed no categories as "needs improvement." The Association's opening statement asserted, without rebuttal, that Bownes "had never had any negative remark...regarding her activity in the union prior to the arrival of Principal Quinney."
6. The 1989-90 evaluation of Bownes had 14 "outstanding" categories, 16 "competent" categories, and no "needs improvement" categories. The 1990-91 evaluation of Bownes had 1 "outstanding" category, 24 "competent" categories, and 5 "needs improvement" categories. In 1988-89 Bownes had 7 "clearly outstanding categories" and 23 "commendable" categories, based on thirty (30) total categories. In 1988-89, Bownes had no entries in "satisfactory" or below. The 1988-89 and 1989-90 reports were completed by Thomas Brunelle. The 1990-91 report was completed by Tim Quinney.

#### DECISION AND ORDER

With the unrefuted statements having been made by the principal and without more specific rationale for the annual evaluation of Bownes, absent her duties

as president of the Association, this Board finds violations of RSA 273-A:5 (a), (b) and (c). Accordingly, the Gilmanton School Board and its agents are hereby ORDERED to:

1. Cease and desist from restraining, coercing or otherwise interfering with employees in this bargaining unit by down-grading the evaluation of said employee(s) because of union/association activity.
2. Cease and desist from dominating or interfering (or attempting to do so) with the formation or administration of the employee organization by down-grading the annual evaluation(s) of one or more of its officers.
3. Cease and desist from discouraging or attempting to discourage membership in any employee organization by down-grading the annual evaluation(s) of one or more of its officers.
4. Reaccomplish the annual evaluation of Colleen Bownes without regard or reference to her performance as president of the G.E.A. or to her participation in activities of the G.E.A. except as can be fully substantiated as deviating from the performance standards found on the 1990-91 Teacher Evaluation Form (Association Exhibit No. 1). The results of said reaccomplished evaluation shall be subject to the grievance procedure of the contract if they become the subject of complaint by any party with standing as a grievant.

Signed this 16th day of December, 1991.

  
EDWARD J. HASELTINE  
Chairman

By unanimous vote. Chairman Edward J. Haseltine presiding. Members Seymour Osman and E. Vincent Hall present and voting.